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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,578	07/28/2001	Arnold E. Goldman	GCD 98-55-US	1058

7590 08/28/2003

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EXAMINER

CHOI, WILLIAM C

ART UNIT PAPER NUMBER

2873

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Ex Parte Reexamination Advisory Action</b>	<b>Control Number</b> 09/917,578	<b>Patent Under Reexamination</b> GOLDMAN ET AL.	
	<b>Examiner</b> William C. Choi	<b>Art Unit</b> 2873	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE PROPOSED RESPONSE FILED 06 August 2003 FAILS TO OVERCOME ALL OF THE REJECTIONS IN THE FINAL REJECTION MAILED 06 May 2003. Therefore, unless a timely appeal is filed, or other appropriate action by the patent owner is taken to overcome all of the outstanding rejection(s), this *ex parte* reexamination proceeding WILL BE TERMINATED and a Notice of Intent to Issue *Ex Parte* Reexamination Certificate will be mailed in due course. Any finally rejected claims, or claims objected to, will be CANCELLED.

THE PERIOD FOR RESPONSE IS EXTENDED TO RUN 3 MONTHS FROM THE MAILING DATE OF THE FINAL REJECTION.

(Extensions of time are governed by 37 CFR 1.550(c))

1. ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within the extended period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).
2. ☐ The proposed amendment(s) will not be entered because:
  - (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see NOTE below);
  - (c) ☐ they are not deemed to place the proceeding in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
 NOTE: \_\_\_\_\_
3. ☐ Patent owner's proposed response filed \_\_\_\_\_ has overcome the following rejection(s): \_\_\_\_\_
4. ☒ The proposed new or amended claim(s) 13 and 18 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit/declaration, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT overcome the rejection(s) because: See Continuation Sheet.
6. ☐ The affidavit/declaration or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 

The status of the claim(s) is (or will be) as follows:  
 Claim(s) patentable and/or confirmed: 13 and 18  
 Claim(s) objected to: \_\_\_\_\_  
 Claim(s) rejected: 1-12, 14-17 and 19-21  
 Claim(s) not subject to reexamination: \_\_\_\_\_
8. ☐ The proposed drawing correction filed on \_\_\_\_\_ a) ☐ has b) ☐ has not been approved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

cc: Requester (if third party requester)

Continuation of 5. But does not overcome the rejection(s) because: applicant argues with regard to claims 1-12, 14-17 and 19-21, that "ferrule 37 alone or combined with ferrule support member 57, or ferrule 72 are not an adhesive". Ferrule 37 and support member 57 refer to the third embodiment of Fujihara et al whereas the claim was rejected using the fifth embodiment of Fujihara et al. In regards to the argument set forth above, Fujihara et al discloses adhesive attaching the end portion of the optical fiber 64 to the ferrule 72 (column 7, lines 60-62). Furthermore, the adhesive would inherently be "symmetrically shaped" within the cavity 74, due to the cavity's symmetry (column 7, lines 50-52). Furthermore, in regards to applicant's argument regarding the adhesive not being able to be termed, "symmetrically shaped" unless resort is made to the present invention," applicant is reminded that said terminology is merely a limitation set forth within the claim that needs to be and is met by the Fujihara et al reference.

  
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